

4. The parties and their attorneys are hereby authorized to use and disclose the protected health information of pregnant women confined at the Cook County

Department of Corrections on and after December 4, 2006 for the prosecution or defense of this action, including any appeals. This includes, but is not limited to disclosure to experts, consultants, court personnel, court reporters, copy services, trial consultants, and other entities or persons involved in the litigation process.

5. Before disclosing protected health information of any pregnant woman confined at the Cook County Department of Corrections on and after December 4, 2006 to experts, consultants, court personnel, court reporters, copy services, trial consultants, and other entities or persons involved in this litigation, counsel shall inform each such person that the protected health information may not be used or disclosed for any purpose other than the prosecution or defense of this litigation. Counsel shall take all other reasonable steps to ensure that persons receiving the protected health information do not use or disclose such information for any purpose other than the prosecution or defense of this litigation.

6. Within 45 days after the conclusion of the litigation including appeals, the parties, their attorneys, and any person or entity in possession of protected health information received from counsel pursuant to paragraph four of this Order, shall return the protected health information to the covered entity or destroy any and all copies of protected health information pertaining to current and former persons confined at the Cook County Department of Corrections, except counsel are not required to secure the return or destruction of protected health information submitted to the Court.

7. This Order does not control or limit the use of protected health information that comes into the possession of the parties or their attorneys from a source other than a "covered entity," as that term is defined in 45 C.F.R. §160.103.

8. Nothing in this Order authorizes counsel for the Defendants to obtain medical records or information through means other than formal discovery requests, subpoenas, depositions, pursuant to a patient authorization, or other lawful process.

9. This Order does not authorize either party to seal court filings or court proceedings. The Court will make a good cause determination for filing under seal if and when the parties seek to file Plaintiff's protected health information under seal.

DATED: 8/6/09

Enter: 

Joan B. Gottschall
United States District Judge

AUG 06 2009